

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Raphael TACHOIRE et al.**

Art Unit: **3763**

Application Number: **10/591,440**

Examiner: **Pritesh Ashok Patel**

Filed: **January 18, 2007**

Confirmation Number: **1779**

For: **CASSETTE FOR IRRIGATION OR ASPIRATION MACHINE FOR
ENDOSCOPY**

Attorney Docket Number: **062999**
Customer Number: **38834**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

June 5, 2009

Sir:

This paper is submitted in response to the Office Action dated May 14, 2009.

In the Office Action, Applicants are required to elect one of the following groups of claims for prosecution in this application:

- (I) claims 1-11, directed to a cassette
- (II) claims 12-18, directed to an irrigation and aspiration machine

Applicants hereby elect the subject matter of **Group (I), Claims 1-11** for prosecution in this application. This election is made with traverse as set forth below.

It is understood that Applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

The restriction requirement is respectfully traversed. Under Rule 13.2 PCT and 37 C.F.R. 1.475(a), there is “unity of invention,” not only when there is a technical relationship among those inventions involving one or more of the same special technical features, but also when there is a technical relationship among those inventions involving one or more of “corresponding special technical features.” Here, it is submitted that the person of ordinary skill in the art would immediately understand that the machine as recited in claim 12 is especially adapted to the cassette as recited in claim 1, in particular with respect to the corresponding technical features that define a contribution over the prior art, for example, as described and illustrated in the “Industrial Application” passage at pages 11-13.

Further, it is submitted that the issue whether the cassette could be used with a different machine, or whether the machine could be operated with a different cassette, is not relevant to the “unity of invention” inquiry under Rule 13 PCT and 37 C.F.R. 1.475(a).

Also, 37 C.F.R. 1.475(b) recites specific situations but clearly does not prohibit or exclude other situations complying with “unity of invention” under the general conditions of Rule 13 PCT and 37 C.F.R. 1.475(a).

In summary, the present claims comply with “unity of invention” requirements. Therefore, it is submitted that the restriction requirement should be withdrawn and all claims examined together in this application.

If this paper is not timely filed, Applicant(s) respectfully petition(s) for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATORI, DANIELS & ADRIAN, LLP

/nicolas seckel/

Nicolas E. Seckel
Attorney for Applicants
Registration No. 44,373
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

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